

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED :** _____

SEAN L. HAGINS : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy to make false**
: **statements in the purchase of firearms -**
: **1 count)**
: **18 U.S.C. § 924(c) (use of firearm in**
: **relation to drug trafficking crime -**
: **2 counts)**
: **18 U.S.C. § 922(g)(1) (possession of**
: **a firearm by convicted felon - 4 counts)**
Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this indictment:

1. The businesses listed below each possessed a federal firearms license (“FFL”) and were authorized to deal in firearms under federal law:
 - a. Lock’s Philadelphia Gun Exchange, 6700 Rowland Avenue,
Philadelphia, Pennsylvania;
 - b. Guns & Things, 197 Durham Road, Penndel, Pennsylvania;
 - c. Mike’s Sporting Goods, Inc., 8010 Mill Creek Road, Levittown,
Pennsylvania;
 - d. Surplus City, 302 Bustleton Pike, Feasterville, Pennsylvania; and

e. Johnston Auto Parts, 710 State Road, Croyden, Pennsylvania.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a Department of Treasury, Form 4473, Firearms Transaction Record. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. One of the questions that the prospective purchaser of a firearm must answer when filling out the Form 4473 is: "Are you the actual buyer of the firearm(s) listed on this form?" Immediately after this question, and before the space provided for the answer, Form 4473 explained that **"Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you."**

4. The Form 4473 contained language warning that "making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony." It also warned that "answering 'yes' to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony."

5. A person who purchases a firearm for another person and falsely completes the Form 4473 is a "straw purchaser."

6. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by them, including the buyer's address and date of birth, to ensure that the person is not prohibited from buying a firearm.

7. Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year are prohibited by law from buying firearms.

8. Defendant SEAN L. HAGINS was prohibited by law from purchasing firearms or ammunition because he had been convicted of a crime punishable by imprisonment for a term exceeding one year.

THE CONSPIRACY

9. From in or around September 2004 to in or around June 2005, in the Eastern District of Pennsylvania, the District of New Jersey and elsewhere, defendant

SEAN L. HAGINS

conspired and agreed, together and with David L. Downs, charged elsewhere, and with others known and unknown to the grand jury, to commit an offense against the United States, that is, knowingly to make false statements and representations with respect to information required by the provisions of Title 18, United States Code, Chapter 44 to be kept in the records of persons licensed under Chapter 44, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was a part of the conspiracy that:

10. Defendant SEAN L. HAGINS, who was prohibited from purchasing firearms, selected firearms to be purchased for him by David L. Downs from gun stores in the Eastern District of Pennsylvania.

11. At the direction of defendant SEAN L. HAGINS, David L. Downs traveled to gun stores in the Eastern District of Pennsylvania to purchase firearms for defendant HAGINS, and falsely certified on the Forms 4473 that Downs was the actual purchaser of the firearms, when he knew that he was purchasing the firearms for defendant HAGINS.

12. After purchasing the firearms, David L. Downs promptly turned the firearms over to defendant SEAN L. HAGINS in return for crack cocaine and/or cash given to Downs by defendant HAGINS.

13. David L. Downs purchased approximately 45 firearms for defendant SEAN L. HAGINS from licensed firearms dealers in the Eastern District of Pennsylvania.

14. In Trenton, New Jersey and elsewhere, defendant SEAN L. HAGINS trafficked in firearms obtained for him by David L. Downs.

OVERT ACTS

In furtherance of the conspiracy, defendant SEAN L. HAGINS, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

On or about October 6, 2004:

1. Defendant SEAN L. HAGINS and David L. Downs traveled to Lock's Philadelphia Gun Exchange located at 6700 Rowland Avenue in Philadelphia, Pennsylvania.

2. Defendant SEAN L. HAGINS selected a CZ model 52 pistol, serial number M05378, for purchase in the name of David L. Downs.

3. David L. Downs executed a Form 4473, in which he falsely certified that he was the actual purchaser of the CZ model 52 pistol.

On or about October 20, 2004:

4. At the direction of defendant SEAN L. HAGINS, David L. Downs traveled to Guns & Things located at 197 Durham Road in Penndel, Pennsylvania.

5. David L. Downs executed a Form 4473, in which he falsely certified that he was the actual purchaser of an Intratec model DC 9 pistol (a "TEC-9").

On or about June 2, 2005:

6. David L. Downs traveled to Mike's Sporting Goods, Inc. located at 8010 Mill Creek Road in Levittown, Pennsylvania.

7. David L. Downs executed a Form 4473, in which he falsely certified that he was the actual purchaser of a Sig Sauer model P239 pistol, when the actual purchaser was defendant SEAN L. HAGINS.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 6, 2004, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

SEAN L. HAGINS

knowingly used a firearm that is, a CZ model 52 pistol, serial number M05378, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute crack cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 2, 2005, in Trenton, in the District of New Jersey, defendant

SEAN L. HAGINS

knowingly used a firearm that is, a Sig Sauer model P239 pistol, serial number SA4103370, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute crack cocaine in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNTS FOUR THROUGH SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about each of the dates specified in the chart below, in the Eastern District of Pennsylvania, defendant

SEAN L. HAGINS,

having been convicted in a court of the State of New Jersey of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce the firearms listed in the table below:

COUNT	DATE	LOCATION FIREARM WAS PURCHASED	FIREARM POSSESSED
4	October 6, 2004	Lock's Philadelphia Gun Exchange 6700 Rowland Avenue Philadelphia, PA 19149;	CZ model 52 pistol, serial number M05378
5	October 20, 2004	Guns & Things, 197 Durham Road, Penndel, PA 19047;	Intratec model DC 9 pistol ("TEC-9"), serial number D075942
6	June 2, 2005	Mike's Sporting Goods, Inc., 8010 Mill Creek Road Levittown, PA 19054	Sig Sauer model P239 pistol, serial number SA4103370

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 29, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SEAN L. HAGINS,

having been convicted in a court of the State of New Jersey of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Glock, 40 caliber pistol, Model 27, with a defaced serial number on the receiver, and serial number DDZ926 on the slide, loaded with sixteen live rounds.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 371, 924(a)(1)(A), 924(c), and 922(g)(1) set forth in this indictment, defendant

SEAN L. HAGINS

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

1. A Kel Tec, model P3AT, 380 caliber pistol, serial number HDS46;
2. An Intratec, model Tec 9, 9 mm pistol, serial number D075942;
3. A Sig Sauer, model P239, 40 caliber pistol, serial number SA4103370;
4. A FEG/ Interarms, model AP, 380 caliber pistol, serial number A00486;
5. A Kel Tec, model P11, 9mm pistol, serial number A1Q06;
6. A Smith & Wesson, model 5906, 9mm pistol, serial number THB3610;
7. A Para Ordnance, model P13.45, 45 caliber pistol, serial number RN3366;
8. A Colt, model Cobra, 38 caliber Revolver, serial number F68864;
9. A Hi Point, model JCP40, 40 caliber pistol, serial number X711225;
10. A Glock, 40 caliber pistol, Model 27, with a defaced serial number on the receiver, and serial number DDZ926 on the slide;
11. sixteen .40 cal rounds of ammunition; and

12. 1 black magazine.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney